IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 32248 of 2005(L)

AGAINST THE ORDER DATED 23/8/05 IN EP.197/2003 IN OS.384/1996 of PRL.SUB COURT,IRINJALAKUDA

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PETITIONERS:

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1. LAINA, KUNNAPPILLY DESOM,
   MELLOR VILLAGE, MUKUNDAPURAM TALUK.

2. HEMALATHA, VARAPUZHA VILLAGE,
   PUTHENPALLY DESOM, ALUVA TALUK.

BY ADV. SRI.P.RAVINDRA NATH

RESPONDENT:

SAINT THOMAS KATHEEDRAL KURIES,
IRINJALAKUDA.

BY ADV. SRI.JIJO PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.32248/05

APPENDIX

PETITIONERS' EXTS:

EXT.P1 – TRUE COPY OF ORDER DT.23.8.05 IN EP.197/03 IN OS.384/96

EXT.P2 – TRUE COPY OF PROCLAMATION FOR SALE DT.6.10.05

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.32248 OF 2005

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DATED THIS THE 18TH JUNE, 2007

J U D G M E N T

The settlement of a proclamation for sale of the decree schedule property in a mortgage decree is under challenge by the petitioners in this proceeding under Article 227 of the Constitution. The total amount due as per the proclamation is Rs.2,04,582/-. This Court, while admitting this Writ Petition, granted stay on condition that the petitioners pay a sum of Rs.50,000/- within three weeks. The court below will verify whether the above payment was actually made by the petitioners. If it is seen on such verification that the above payment has been made, the court below will hold the execution proceedings for another six months from today on condition that the petitioners will remit every month commencing from 16.7.2007 at the rate of Rs.30,000/-, till such time as the entire decree debt is wiped off. Once the petitioners become confident that the entire decree debt is paid off, they are permitted to file an application for recording full satisfaction and if such an application is received, the court below will take a decision on that application after hearing both sides. In the event of default in the matter of remittance of the instalments, the petitionerS will forfeit the benefit of this judgment and under such an

event, it will be open to the court below to sell the property forthwith for whatever amount is due by way of balance.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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